### Bereskin & Parr 🕒

Scotia Plaza, 40 King Street West, 40<sup>th</sup> Floor Toronto, Ontario, Canada M5H 3Y2 t: 416 364 7311 f: 416 361 1398

#### TELEFAX TRANSMITTAL

ro:	U.S. Patent & Trademark Office	
ATT'N:	Maher M. Haddad - Examiner, Art Unit No. 1644	
FAX NO.:	703-746-8319	TEL No.: 703-306-3472
ROM:	Micheline Gravelle	
DATE:	November 5, 2003	PAGES: 9 (Including cover sheet)

File No.: <u>9579-37</u> Lawyer No.: <u>217</u>

If transmission is interrupted or of poor quality, please notify us immediately by calling Patricia Nolan at (416) 364-7311, ext. 6276

#### **COMMENTS:**

Re:

Serial No. 09/902,563 Filed: July 12, 2001 Our reference: 9579-37

#### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the attached Terminal Disclaimer and its enclosures are being facsimile transmitted to the U.S. Patent & Trademark Office on the date shown below.

M	Fravelle	,
Micheli	ne Gravelle	
Registr	ation No. 40 261	

November 5, 2003

#### CONFIDENTIAL

This communication may contain information that is privileged or confidential and is intended only for the us of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you,

#### PAGE

## Bereskin & Parr

November 5, 2003

Micheline Gravelle B.Sc., M.Sc. (Immunol.) 416 957 1682 mgravelle@bereskinparr.com

Your Reference: 09/902,563 Our Reference 9579-37

#### Sent by Facsimile

The Commissioner of Patents & Trademarks Washington, D.C. 20231 U.S.A.

Dear Sir.

Re:

LETTER

United States Patent Application No. 09/902,563

Entitled:

Methods of Modulating Immune Coagulation

Inventors:

Gary Levy Filing Date: July 12, 2001

Examiner: Confirmation No.: 4438

Maher M. Haddad

1644 Art Unit:

The present facsimile is further to our telephone conversation of November 5, 2003.

As we discussed, we are enclosing a Terminal Disclaimer over United States Patent Application No. 10/096,255. As mentioned in the Terminal Disclaimer, both the present application and the co-pending application are owned by Trillium Technologies Inc. However, we still need to file the attached Assignment and Change of Name documents as mentioned in the Terminal Disclaimer. These documents are attached herewith for your information and will also be filed with the proper recordation sheet and fees through the Assignment section.

Please do not hesitate to contact us should you require further information.

Yours truly,

Micheline Gravelle

MG.ga Enc.

Please send all correspondence to the Toronto office-

Under the	e Papery	ork Red	duction Act of 1995, no	p <b>e</b> rsons are requ	red to r	espond	U.S. F	atent a	and Tra	ademark O	MANIES DE	h 07/31/2006. (	D/SB/17 (10-03 DMB 0851-003 DF COMMERCE CONTOL NUMBER			
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USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.174. This collection of information is required by 35 U.S.C. 122 and 37 CFR 1.174. This collection is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including pathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the emount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# **Bereskin & Parr**

November 5, 2003

Micheline Gravelle B.Sc., M.Sc. (Immunol.) 416 957 1682 mgravelle@bereskinparr.com

Your Reference: 09/902,563 Our Reference: 9579-37

### Sent by Facsimile

The Commissioner of Patents & Trademarks Washington, D.C. 20231 U.S.A.

Dear Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

United States Patent Application No. 09/902,563

Methods of Modulating Immune Coagulation Entitled:

Inventors: **Gary Levy** Filing Date: July 12, 2001 Examiner: Maher M. Haddad

Confirmation No.: 4438

Art Unit: 1644

Trillium Technologies Inc., a corporation of Ontario, of 96 Skyway Avenue, Toronto, Ontario, M9W 4Y9, Canada, is the owner of the entire right, title and interest in (1) U.S. Patent Application Serial No. 09/902,563, filed on July 12, 2001 and entitled "Methods of Modulating Immune Coagulation", by virtue of an assignment and a change of name document that is being filed simultaneously herewith under separate cover; and (2) U.S. Patent Application Serial No. 10/096,255, filed on March 13, 2002 and entitled "Methods of Modulating Immune Coagulation" by virtue of an assignment recorded at Reel 011438, Frame 0898 on January 15, 2001 and a change of name document that is being filed simultaneously herewith under separate cover.

Trillium Technologies Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Application Serial No. 10/096,255 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period

Please sena all correspondence to the Toronto office:

Scotia Plaza, 40 King St. West, 40th Floor. 2000 Argentia Rd., Plaza 4, Ste. 430. Toronto, Ontario, Canada M5H 3Y2 Tel: 416,364.7311 Fax: 416.361.1398

Mississauga, Ontario, Canada, LeN IW1 Waterloo, Ontario, Canada, N2L 3V3 Tel. 905.812.3600 Fax. 905.814.0031

Waterloo lechnology Campus, 408 Albert St., Ste. 2. Tel: 519 783,3210 Fax: 519 783,3211

www.bereskinparr.com

that the legal title to said patent shall be the same as the legal title to U.S. Patent Application Serial No. 10/096,255, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

- 2 -

In making the above disclaimer, Trillium Technologies Inc., does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term of U.S. Patent Application Serial No. 10/096,255, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge the government fee of \$55.00 to our firm's Deposit Account No. 02-2095. The Commissioner is also authorized to charge any additional fee which may be required, or credit any overpayment, to our firm's Deposit Account No. 02-2095.

The undersigned is an agent of record in the application.

Respectfully submitted,

**GARY LEVY** 

Micheline Gravelle Registration No. 40,261

Bereskin & Parr Box 401, 40 King Street West Toronto, Ontario, Canada M5H 3Y2

(416) 364-7311

#### **UNITED STATES**

#### **ASSIGNMENT**

WHEREAS I, GARY LEVY, whose full post office address is 260 Henderson Avenue, Thornhill, Ontario, L3T 2M2, Canada, have invented certain new and useful improvements in an invention entitled **METHODS FOR MODULATING IMMUNE COAGULATION** for which an application for United States Letters Patent was filed on July 12, 2001 as serial No.09/902,563;

AND WHEREAS Transplantation Technologies Inc., a corporation of the Province of Ontario having a place of business at LuCliffe Place, 700 Bay Street, Suite 2108, Toronto, Ontario, M5G 1Z6, Canada, has acquired from me the whole right, title and interest for the United States of America and all other countries in and to the said invention and in and to any Letters Patent that may be obtained therefor, and in and to said application,

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, I, Gary Levy, by these presents confirm that I have sold, assigned and transferred and do hereby sell, assign and transfer unto the said Transplantation Technologies Inc., the full and exclusive right to the said invention in the United States of America and all other countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor, and the entire right, title and interest in and to said application, and in and to any divisions, continuations, continuations-in-part and extensions of said application, together with the right to claim the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property based on said application for United States Letters Patent.

I agree that I will without further consideration do all such things and execute all such documents as may be necessary or desirable to obtain and maintain patents for said invention and for additions and modifications thereto in any and all countries, and to vest title thereto in said assignee, his successors, assigns and legal representatives or nominees.

- 2 -

I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the said Transplantation Technologies Inc., the assignee of the entire right, title and interest in and to the same, for his sole use and benefit, and for the use and benefit of his successors and assigns, to the full end of the term for which Letters Patent may be granted as fully and entirely as the same would have been held by me had this assignment and sale not been made.

The undersigned hereby grants the firm of Bereskin & Parr (Box 401, 40 King Street West, Toronto, Ontario, Canada M5H 3Y2) the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

SIGNED this day of \_\_\_\_\_\_\_, 2003, at \_lorante

Witness

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CERTIFICATE
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Director

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#### ARTICLES OF AMENDMENT STATUTS DE MODIFICATION

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3. Date of incorporation/amaignmetion; Date do la constitution ou de la fusion :

1996/07/23

(Yes, Month, Day) (mender mois jour)

 Complete only if there is a change in the number of directors or the minimum / maximum resolver of directors.
 If the minimum case of the number of the number

A faut remper cette partie seglement si le nombre d'administrateurs ou el le nombre minimal ou maximal d'administrateurs e change.

Number (of minimum and maximum number) of number or minimum and maximum directors letters: number ou minimul et maximal Number (ou numbres minimul et maximal) d'edminiarateurs ;

- The articles of the corporation are amended as tokows:
   List statuts de la société cont modifiée de la façon puivants:
  - (a) by changing the name of the Corporation from Transplantation Technologies Inc. on Trillium Therapeutics Inc.; and
  - (b) by deleting the provisions of item 1 in the articles of the Corporation as set out in the original Articles of Incorporation of the Corporation and substituting the following therefor:
    - 1. The name of the Corporation is Trillium Therapouties Inc.

67119 (19/2001) DBO 01/2002

2

- The amendment has been duly authorized as required by sections 188 and 470 (se applicable) of the publical Corporations. Act Le modification a été d'uneré autorisée conformément aux érticles 188 et 170 (balon le ces) de le Lei eur les sociétés par actions.
- The resolution authorities the emendment was approved by the attracholders/directors (as applicable) of the corporation on Les actionnaires ou les noministrateurs (salon le ces) do la acciété ont approuve le résolution autorisant le modification le

2003/04/10

(Year, Month, Day)

Those articles are signed in duplicate. Les présents statuts sont aignés en double exemplaire.

TRANSPLANTATION TECHNOLOGIES INC.

(Name of Corporation)
(Dénomination stéllate de la accidé)

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